

SENATE BILL No. 333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11; IC 3-11.5-4-11; IC 3-14-2.

Synopsis: Candidate residency; vote fraud. Increases to a Class C felony the penalty for voting in a precinct other than the precinct in which the voter is entitled to vote. Makes it a Class D felony for a candidate for a legislative, local, or school board office to live outside the election district the candidate seeks to represent. Requires a voter voting in person, an inspector opening an absentee ballot in a precinct, or an absentee ballot counter to announce the voter's name and address in a distinct tone so that those eligible to challenge the voter can hear the announcement.

Effective: July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 333

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-11-8-19 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. Voters shall
3 approach and enter the chute in the order in which they appear for the
4 purpose of voting. A voter shall immediately announce **in a distinct**
5 **tone:**

6 (1) the voter's full and true name; **and**
7 (2) **the voter's current residence address;**
8 to the challengers.

9 SECTION 2. IC 3-11-10-15, AS AMENDED BY P.L.126-2002,
10 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2004]: Sec. 15. At any time between the opening and closing
12 of the polls on election day, the inspector, in the presence of the
13 precinct election board, shall do all of the following:

14 (1) Open the outer or carrier envelope containing an absentee
15 ballot envelope and application.
16 (2) Announce **in a distinct tone** the absentee voter's name **and**
17 **current residence address.**



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(3) Compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

SECTION 3. IC 3-11.5-4-11, AS AMENDED BY P.L.126-2002, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

(1) open the outer or carrier envelope containing an absentee ballot envelope and application;

(2) announce **in a distinct tone** the absentee voter's name **and current residence address**; and

(3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

SECTION 4. IC 3-14-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. Except as provided by IC 3-10-10, IC 3-10-11, or IC 3-10-12, a person who knowingly votes or offers to vote in a precinct except the one in which the person is registered and resides commits a ~~Class D~~ **Class C** felony.

SECTION 5. IC 3-14-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. A person who knowingly hires or solicits another person:

(1) to come into Indiana; or

(2) to go from one precinct into another precinct;

for the purpose of voting at an election when the person hired or solicited is not a voter in Indiana or the precinct commits a ~~Class D~~ **Class C** felony.

SECTION 6. IC 3-14-2-16, AS AMENDED BY P.L.38-1999, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. A person who knowingly does any of the following commits a Class D felony:

~~(1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.~~

~~(2) (1)~~ Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.

~~(3) (2)~~ Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.

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~~(4)~~ (3) Receives from a voter a ballot prepared by the voter for voting, except:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member of a county election board or an absentee voter board acting under IC 3-11-10; or

(D) a member of the voter's household or an individual designated as attorney in fact for the voter, when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

~~(5)~~ (4) Receives a ballot from a person other than one of the poll clerks or authorized assistant poll clerks.

~~(6)~~ (5) Delivers a ballot to a voter to be voted, unless the person is:

(A) a poll clerk or authorized assistant poll clerk; or

(B) a member of a county election board or an absentee voter board acting under IC 3-11-10.

~~(7)~~ (6) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.

~~(8)~~ (7) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.

SECTION 7. IC 3-14-2-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 31. A person who knowingly applies for or receives a ballot in a precinct other than the precinct in which the person is entitled to vote commits a Class C felony.**

SECTION 8. IC 3-14-2-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 32. (a) This section does not apply to a candidate for an appointment pro tempore to succeed a town council member in the circumstances described in IC 3-8-1-5.7.**

(b) A person who knowingly:

(1) becomes a candidate for a legislative, local, or school board office; and

(2) does not reside in the election district the person seeks to represent;

commits a Class D felony.

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